



Notice of Proposed Rulemaking
Rule 100: General Provisions and Definitions

Close of Public Comment Period: November 19, 2012

Maricopa County Air Quality Dept.
Planning & Analysis Division
1001 N. Central Ave. Suite 125
Phoenix, AZ 85004

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NOTICE OF PROPOSED RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
REGULATION I – GENERAL PROVISIONS
RULE 100 – GENERAL PROVISIONS AND DEFINITIONS

PREAMBLE

- 1. Rule affected**

Rule 100: General Provisions and Definitions	Rulemaking action
	Amend
- 2. Statutory authority for the rulemaking:**

Authorizing statutes: A.R.S. §§ 49-474, 49-479, and 49-480

Implementing Statute: A.R.S. § 49-112
- 3. List of all previous notices appearing in the Register addressing the rulemaking:**

Notice of Rulemaking Docket Opening: 18 A.A.R. (to be filled-out by the Secretary of State)
- 4. Name and address of department personnel with whom persons may communicate regarding the rulemaking:**

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- 5. Explanation of the rule, including the department's reasons for initiating the rulemaking:**

The U.S. Environmental Protection Agency (EPA) partially approved and partially disapproved a State Implementation Plan (SIP) revision submitted by the State of Arizona to address the requirements of section 110(a)(2)(E)(ii) of the Clean Air Act (CAA) for the 1997 8-hour ozone national ambient air quality standards (NAAQS) and the 1997 and 2006 NAAQS for fine particulate matter (PM_{2.5}). The EPA disapproved, on narrow grounds, the state's provisions regarding board composition under CAA section 128(a)(1), because these provisions do not apply to enforcement orders.

When the EPA promulgates a new NAAQS or revises an existing NAAQS, such action triggers a requirement for states to submit an infrastructure SIP to address the applicable requirements of section 110(a)(2) within three years of issuance of the new or revised NAAQS. Section 110(a)(2) includes a list of specific elements that each such plan submission must meet, including section 110(a)(2)(E)(ii), which requires compliance with the requirements of section 128 of the CAA. On March 27, 2008 (73 FR 16205), the EPA found that Arizona had failed to make a complete submittal to satisfy the requirements of section 110(a)(2)(E)(ii) for the 1997 8-hour ozone NAAQS. On October 22, 2008 (73 FR 62902), the EPA found that Arizona had failed to make a complete submittal to satisfy the requirements of section 110(a)(2)(E)(ii) for the 1997 PM_{2.5} NAAQS.

The State board SIP provisions in section 128 require each state to submit a SIP that contains requirements that (1) any board or body which approves permits or enforcement orders under the CAA shall have at least a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the CAA and (2) any potential conflicts of interest by members of such board or body or the head of an executive agency with similar powers be adequately disclosed. Arizona Revised Statutes (A.R.S.) § 49-478(B) established the compositional requirements of the county Air Quality Hearing Boards, namely that they consist of five members and that "...at least three members shall not have substantial interest, as defined in section 38-502, in any person required to obtain a permit pursuant to Title 49, Chapter 3 (Air Quality), Article 3 (County Air Pollution Control)." While this statute explicitly addresses interests in persons required to obtain permits, it does not address substantial interest with respect to interests in persons subject to enforcement orders. However, A.R.S. § 38-503(B), a statute relating to conflict of interest for public agencies, also requires disclosure of conflicts and recusal for a substantial interest in any decision of a public agency. Public agency is defined in A.R.S. § 38-502 to include boards and commissions of a political subdivision; therefore, "any decision" of the County Air Quality Hearing Board includes permits and enforcement orders and requires disclosure of conflicts and recusal.

Per 77 FR 44555, July 30, 2012 (Partial Approval and Disapproval of Air Quality Implementation Plans; Arizona; State Board Requirements for Ozone and Fine Particulate Matter): "The EPA believes that the 2009 Infrastructure SIP mostly meets the requirements of 128(a)(1) with respect to significant income and representing the public interest, except that the submitted provisions do not specifically address "substantial interest" with respect to interests in persons subject to enforcement orders. As a result, the EPA believes disapproval is the only path that is consistent with the CAA. Based on the content of Pima County Code 17.04.190, we believe that this narrow deficiency can be cured by Maricopa County amending their regulation to mirror Pima County Code 17.04.190 and by ADEQ submitting such amended regulation as a SIP revision." Following this analysis of state statutes regarding conflict of interest and the CAA, the department is proposing to amend Rule 100, Section 108 to be consistent with the CAA.

Issues Raised and Discussed During This Rulemaking Process:

To date, there have been no issues raised during this rulemaking process.

Description of Proposed Amendments:

Section 100, Section 108: Hearing Board

This proposed amendment will add text to a sentence that requires county Air Quality Hearing Board members to not have a substantial interest in any person required to obtain an air pollution permit or subject to enforcement orders issued under the Maricopa County Air Pollution Control Regulations.

6. Demonstration of compliance with A.R.S. §49-112:

Under A.R.S. § 49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the applicable requirements of A.R.S. §49-112.

§ 49-112 County regulation; standards

§ 49-112(A)

When authorized by law, a county may adopt a rule, ordinance or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all of the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition.
2. There is credible evidence that the rule, ordinance or other regulation is either;
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible.
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulation.
3. Any fee or tax adopted under the rule, ordinance or other regulation will not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

§ 49-112(B)

When authorized by law, a county may adopt rules, ordinances or other regulations in lieu of a state program that are as stringent as a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if the county demonstrates that the cost of obtaining permits or other approvals from the county will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under this title or any rule adopted pursuant to this title. If the state has not adopted a fee or tax for similar permits or approvals, the county may adopt a fee when authorized by law in the rule, ordinance or other regulation that does not exceed the reasonable costs of the county to issue and administer that permit or plan approval program.

Maricopa County complies with A.R.S. § 49-112 in that the proposed amendment to Rule 100 is not more stringent than or in addition to a provision of Title 49 or rule adopted by the director or any board or commission authorized to adopt rules pursuant to Title 49 and the proposed amendment to Rule 100 is not in lieu of a state program.

7. Reference to any study relevant to the rule that the department reviewed and either proposes to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

No studies were used

8. Showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

9. Preliminary summary of the economic, small business, and consumer impact:

The department is proposing to amend a sentence in Rule 100, Section 108 (Hearing Board) that requires county Air Quality Hearing Board members to not individually have a substantial interest in an emission source subject to permits or enforcement orders issued under the Maricopa County Air Pollution Control Regulations. This amendment is intended to resolve a deficiency in a SIP revision submitted by the State of Arizona to address the requirements of section 110(a)(2)(E)(ii) of the Clean Air Act (CAA) for the 1997 8-hour ozone national ambient air quality standards (NAAQS) and the 1997 and 2006 NAAQS for fine particulate matter (PM_{2.5}). The proposed amendment to Rule 100, Section 108 is administrative and should not incur an economic, small business, and consumer impact.

10. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:

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11. Time, place, and nature of the proceedings for the rulemaking:

Written oral proceeding requests or written comments or both will be accepted until the public comment period is closed on November 19, 2012, 5:00 p.m. Written oral proceeding requests or written comments or both may be mailed, e-mailed, or hand delivered to the department (see Item #4 of this notice). An oral

proceeding will be scheduled only upon receipt of a written request before the public comment period is closed on November 19, 2012, 5:00 p.m. Written comments received during the public comment period will be considered formal comments to the Notice of Proposed Rulemaking and will be responded to in the Notice of Final Rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific department or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rule:

Not applicable

14. Full text of the rule follows:

REGULATION I - GENERAL PROVISIONS

RULE 100

GENERAL PROVISIONS AND DEFINITIONS

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Revised 07/13/88

Revised 10/01/90

Revised 06/22/92

Revised 11/16/92

Repealed and Adopted 11/15/93

Revised 02/15/95

Revised 04/03/96

Revised 06/19/96

Revised 03/04/98

Revised 05/20/98

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Revised 03/07/01

Revised 08/22/01

Revised 11/06/02

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Revised xx/xx/xx

MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS
REGULATION I - GENERAL PROVISIONS
RULE 100
GENERAL PROVISIONS AND DEFINITIONS

SECTION 100 - GENERAL

- 101 DECLARATION OF INTENT:** The Maricopa County Air Pollution Control Regulations prevent, reduce, control, correct, or remove regulated air pollutants originating within the territorial limits of Maricopa County and carry out the mandates of Arizona Revised Statutes (ARS), Title 49-The Environment.
- 102 LEGAL AUTHORITY:** These rules are adopted under the authority granted by ARS §49-479.
- 103 VALIDITY:** If any section, subsection, clause, phrase, or provision of these rules is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.
- 104 CIRCUMVENTION:** A person shall not build, erect, install, or use any article, machine, equipment, condition, or any contrivance, the use of which, without resulting in a reduction in the total release of regulated air pollutants to the atmosphere, conceals or dilutes an emission which would otherwise constitute a

violation of these rules. No person shall circumvent these rules to dilute regulated air pollutants by using more emission openings than is considered normal practice by the industry or activity in question.

- 105 RIGHT OF INSPECTION OF PREMISES:** The Control Officer, during reasonable hours, for the purpose of enforcing and administering these rules or any provision of ARS relating to the emission or control prescribed pursuant thereto, may enter every building, premises, or other place, except the interior of structures used as private residences. In the event that consent to enter for inspection purposes has been refused or circumstances justify the failure to seek such consent, special inspection warrants may be issued by a magistrate. Every person is guilty of a petty offense under ARS §49-488 who in any way denies, obstructs, or hampers such entrance or inspection that is lawfully authorized by warrant.
- 106 RIGHT OF INSPECTION OF RECORDS:** When the Control Officer has reasonable cause to believe that any person has violated or is in violation of any provision of this rule, any rule adopted under this rule, or any requirement of a permit issued under this rule, the Control Officer may request, in writing, that such person produce all existing books, records, and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or non-compliance with rules adopted under this rule. No person shall fail nor refuse to produce all existing documents required in such written request by the Control Officer.
- 107 ADVISORY COUNCIL:** An Advisory Council appointed by the Board of Supervisors may advise and consult with the Board of Supervisors, the Maricopa County Air Quality Department, and the Control Officer in effecting the mandates of ARS Title 49.
- 108 HEARING BOARD:** The Board of Supervisors shall appoint a 5-member hearing board knowledgeable in the field of air pollution. At least three members shall not have a substantial interest, as defined in A.R.S. § 38-502(11), in any person required to obtain an air pollution permit or subject to enforcement orders issued under these rules. Each member shall serve a term of three years.
- 109 ANTI-DEGRADATION:** The standards in these rules shall not be construed as permitting the preventable degradation of air quality in any area of Maricopa County.
- 110 AVAILABILITY OF POLLUTION INFORMATION:** The public shall be informed on a daily basis of average daily concentration of three pollutants: particulates, carbon monoxide, and ozone. This information shall be disseminated through the use of newspapers, radio, and television. The levels of each pollutant shall be expressed through the use of the Air Quality Index (AQI) and a written copy of such information shall be made available at the office of the Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004, 602-506-6010.
- 111 ANNUAL REASONABLE FURTHER PROGRESS (RFP) REPORT:** A report on the progress in implementation of nonattainment area plans shall be produced by the Department each year. The primary function of the report is to review the implementation schedules for control measures and emission reduction

forecasts in the nonattainment area plans. The annual report will be made available to the public at the offices of Maricopa County Air Quality Department, 1001 North Central Avenue, Suite 400, Phoenix, Arizona, 85004, 602-506-6010.

- 112 AVAILABILITY OF INFORMATION:** Copies of 40 CFR 51, Subpart A, Appendix A, Table 2A are available at 1001 North Central Avenue, Suite 695, Phoenix, Arizona, 85004, or call 602-506-6010 for information.

SECTION 200 - DEFINITIONS: To aid in the understanding of these rules, the following general definitions are provided. Additional definitions, as necessary, can be found in each rule of the Maricopa County Air Pollution Control Regulations.

- 200.1 AAC** - Arizona Administrative Code.
- 200.2 ACT** - The Clean Air Act of 1963 (P.L. 88-206; 42 United States Code sections 7401 through 7671), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549).
- 200.3 ACTUAL EMISSIONS** - The actual rate of emissions of a pollutant from an emissions unit, as determined in Section 200.3(a) through Section 200.3(e) of this rule:
- a.** In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a 2-year period that precedes the particular date and that is representative of normal source operation. The Control Officer may allow the use of a different time period upon a demonstration that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
 - b.** If there is inadequate information to determine actual historical emissions, then the Control Officer may presume that source-specific allowable emissions for the emissions unit are equivalent to the actual emissions of the emissions unit.
 - c.** For any emissions unit at a Title V source, other than an electric utility steam generating unit described in Section 200.3(e) of this rule that has not begun normal operations on the particular date, actual emissions shall equal the unit's potential to emit on that date.
 - d.** For any emissions unit at a Non-Title V source that has not begun normal operations on the particular date, actual emissions shall be based on applicable control equipment requirements and projected conditions of operation.
 - e.** For an electric utility steam generating unit (other than a new unit or the replacement of an existing unit), actual emissions of the unit, following the physical or operational change,

shall equal the representative actual annual emissions of the unit, if the source owner and/or operator maintains and submits to the Control Officer on an annual basis, for a period of five years from the date the unit resumes regular operation, information demonstrating that the physical or operational change did not result in an emissions increase. A longer period, not to exceed 10 years, may be required by the Control Officer, if the Control Officer determines the longer period to be more representative of normal source post-change operations.

- 200.4 ADMINISTRATOR** - The Administrator of the United States Environmental Protection Agency.
- 200.5 ADVISORY COUNCIL** - The Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.
- 200.6 AFFECTED FACILITY** - With reference to a stationary source, any apparatus to which a standard is applicable.
- 200.7 AFFECTED SOURCE** - A source that includes one or more emissions units which are subject to emission reduction requirements or limitations under Title IV-Acid Deposition Control of the Act.
- 200.8 AFFECTED STATE** - Any State whose air quality may be affected and that is contiguous to Arizona or that is within 50 miles of the permitted source.
- 200.9 AIR CONTAMINANT** - Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.
- 200.10 AIR POLLUTION** - The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.
- 200.11 AIR POLLUTION CONTROL EQUIPMENT** - Equipment used to eliminate, reduce, or control the emission of air pollutants into the ambient air.

- 200.12 ALLOWABLE EMISSIONS** - The emission rate of a stationary source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate or hours of operation or both) and the most stringent of the following:
- a. The applicable New Source Performance Standards as described in Rule 360 of these rules or the Federal Hazardous Air Pollutant Program as described in Rule 370 of these rules; or
 - b. The applicable existing source performance standard as approved for the State Implementation Plan (SIP); or
 - c. The emissions rate specified in any federally promulgated rule or federally enforceable permit condition.
- 200.13 AMBIENT AIR** - That portion of the atmosphere, external to buildings, to which the general public has access.
- 200.14 AP-42** - The EPA document "Compilation of Air Pollutant Emission Factors," as incorporated by reference in Appendix G of these rules.
- 200.15 APPLICABLE IMPLEMENTATION PLAN** - Those provisions of the State Implementation Plan (SIP) approved by the Administrator or a Federal Implementation Plan (FIP) promulgated under Title I-Air Pollution Prevention and Control of the Act.
- 200.16 APPLICABLE REQUIREMENT** - Applicable requirement means any of the following:
- a. Any federal applicable requirement as defined in Section 200.49 of this rule.
 - b. Any other requirement established under the Maricopa County Air Pollution Control Regulations or ARS Title 49, Chapter 3, Articles 1, 3, 7, and 8.
- 200.17 APPROVED** - Approved in writing by the Maricopa County Air Pollution Control Officer.
- 200.18 AREA SOURCE** - Any stationary source that is not a major source. For purposes of these rules, the term "area source" shall not include motor vehicles or nonroad vehicles subject to regulation under Title II-Emission Standards for Moving Sources of the Act.
- 200.19 ARS** - The Arizona Revised Statutes. The titles of the most frequently used ARS references in these rules are listed below:
- | | |
|-----------------|---|
| ARS §38-502(11) | Public Officers and Employees, Conduct of Office, Conflict of Interest of Officers and Employees, Definitions, Substantial Interest |
| ARS Title 49 | The Environment |

ARS Title 49, Chapter 3	The Environment, Air Quality
ARS Title 49, Chapter 4	The Environment, Solid Waste Management
ARS §49-109	The Environment, General Provisions, Department of Environmental Quality, Certificate of Disclosure of Violations; Definition; Remedies
ARS §49-401	The Environment, Air Quality, General Provisions, Declaration of Policy
ARS §49-426	The Environment, Air Quality, State Air Pollution Control, Permits; Duties of Director; Exceptions; Applications; Objections; Fees
ARS §49-426.04	The Environment, Air Quality, State Air Pollution Control, State List of Hazardous Air Pollutants
ARS §49-426.05	The Environment, Air Quality, State Air Pollution Control, Designation of Sources of Hazardous Air Pollutants
ARS §49-429	The Environment, Air Quality, State Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-464	The Environment, Air Quality, State Air Pollution Control, Violation; Classification; Penalties; Definition
ARS §49-473	The Environment, Air Quality, County Air Pollution Control, Board of Supervisors
ARS §49-476.01	The Environment, Air Quality, County Air Pollution Control, Monitoring
ARS §49-478	The Environment, Air Quality, County Air Pollution Control, Hearing Board
ARS §49-480	The Environment, Air Quality, County Air Pollution Control, Permits; Fees
ARS §49-480.03	The Environment, Air Quality, County Air Pollution Control, Federal Hazardous Air Pollutant Program; Date Specified By Administrator; Prohibition
ARS §49-480.04	The Environment, Air Quality, County Air Pollution Control, County Program for Control of Hazardous Air Pollutants
ARS §49-482	The Environment, Air Quality, County Air Pollution Control, Appeals to Hearing Board
ARS §49-483	The Environment, Air Quality, County Air Pollution Control, Permit Transfers; Notice; Appeal
ARS §49-487	The Environment, Air Quality, County Air Pollution Control, Classification and Reporting; Confidentiality of Records

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| ARS §49-488 | The Environment, Air Quality, County Air Pollution Control, Special Inspection Warrant |
| ARS §49-490 | The Environment, Air Quality, County Air Pollution Control, Hearings On Orders of Abatement |
| ARS §49-498 | The Environment, Air Quality, County Air Pollution Control, Notice of Hearing; Publication; Service |
| ARS §49-501 | The Environment, Air Quality, County Air Pollution Control, Unlawful Open Burning; Definition; Exceptions; Fine |
| ARS §49-511 | The Environment, Air Quality, County Air Pollution Control, Violations, Order of Abatement |
| ARS §49-514 | The Environment, Air Quality, County Air Pollution Control, Violation; Classification; Definition |
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- 200.20** **ASME** - The American Society of Mechanical Engineers.
- 200.21** **ASTM** - The American Society for Testing and Materials.
- 200.22** **ATTAINMENT AREA** - An area so designated by the Administrator, acting under Section 107-Air Quality Control Regions of the Act, as having ambient air pollutant concentrations equal to or less than national primary or secondary ambient air quality standards for a particular pollutant or pollutants.
- 200.23** **BEGIN ACTUAL CONSTRUCTION** - In general, initiation of physical on-site construction activities on an emissions unit, which are of a permanent nature. Such activities include installation of building supports and foundations, laying of underground pipe work, and construction of permanent storage structures. With respect to a change in method of operation, “begin actual construction” refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.
- 200.24** **BEST AVAILABLE CONTROL TECHNOLOGY (BACT)** - An emissions limitation, based on the maximum degree of reduction for each pollutant, subject to regulation under the Act, which would be emitted from any proposed stationary source or modification, which the Control Officer, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant. Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of these rules or of any State or Federal laws (“Federal laws” include the EPA approved State Implementation Plan (SIP)). If the Control

Officer determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

- 200.25** **BRITISH THERMAL UNIT (BTU)** - The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit (°F) at 39.1°F.
- 200.26** **BUILDING, STRUCTURE, FACILITY, OR INSTALLATION** - All the pollutant-emitting equipment and activities that belong to the same industrial grouping, that are located on one or more contiguous or adjacent properties, and that are under the control of the same person or persons under common control, except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same "Major Group" as described in the "Standard Industrial Classification Manual, 1987".
- 200.27** **CFR** - The United States Code of Federal Regulations.
- 200.28** **CIRCUMSTANCES OUTSIDE THE CONTROL OF THE SOURCE** - Shall include, but not be limited to, circumstances where a violation resulted from a sudden and unavoidable breakdown of the process or the control equipment, resulted from unavoidable conditions during a startup or shutdown, or resulted from upset of operations.
- 200.29** **CLEAN COAL TECHNOLOGY** - Any technology, including technologies applied at the pre-combustion, combustion, or post-combustion stage, at a new or existing facility that will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity or process steam that was not in widespread use as of November 15, 1990.
- 200.30** **CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A project using funds appropriated under the heading "Department of Energy-Clean Coal Technology", up to a total amount of \$2,500,000,000 for commercial demonstration of clean coal technology or similar projects, funded through appropriations for the Environmental Protection Agency. The Federal contribution for a qualifying project shall be at least 20% of the total cost of the demonstration project.
- 200.31** **COMMENCE** - As applied to construction of a major source or a major modification, that the owner and/or operator has all necessary preconstruction approvals or permits and has either:

- a. Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or
- b. Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner and/or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

- 200.32 COMPLETE** - In reference to an application for a permit, “complete” means that the application contains all the information necessary for processing the application. Designating an application complete for purposes of permit processing does not preclude the Control Officer from requesting nor from accepting any additional information.
- 200.33 CONSTRUCTION** - Any physical change or change in the method of operation, including fabrication, erection, or installation, demolition, or modification of an emissions unit, which would result in a change in actual emissions.
- 200.34 CONTROL OFFICER** - The executive head of the department authorized or designated to enforce air pollution regulations, the executive head of an air pollution control district established under ARS §49-473, or the designated agent.
- 200.35 DEPARTMENT** - The Maricopa County Air Quality Department.
- 200.36 DIRECTOR** - The director of the Arizona Department of Environmental Quality (ADEQ).
- 200.37 DISCHARGE** - The release or escape of an effluent into the atmosphere from a source.
- 200.38 DIVISION** - The Division no longer exists; consequently, all references in these rules to Division refer to Department.
- 200.39 DUST GENERATING OPERATION** - Any activity capable of generating fugitive dust, including but not limited to, land clearing, earthmoving, weed abatement by discing or blading, excavating, construction, demolition, bulk material handling, storage and/or transporting operations, vehicle use and movement, the operation of any outdoor equipment, or unpaved parking lots. For the purpose of this rule, landscape maintenance and playing on or maintaining a field used for non-motorized sports shall not be considered a dust generating operation. However, landscape maintenance shall not include grading, trenching, or any other mechanized surface disturbing activities performed to establish initial landscapes or to redesign existing landscapes.
- 200.40 EFFLUENT** - Any air contaminant which is emitted and subsequently escapes into the atmosphere.

- 200.41 ELECTRIC UTILITY STEAM GENERATING UNIT** - Any steam electric generating unit that is constructed for the purpose of supplying more than 1/3 of its potential electric output capacity and more than 25 MW electric output to any utility power distribution system for sale. Any steam supplied to a steam distribution system, for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale, is also considered in determining the electrical energy output capacity of the affected facility.
- 200.42 EMISSION STANDARD** - The definition of emission standard, as summarized from ARS §49-514(T) and ARS §49-464(V), is: A numeric limitation on the volume or concentration of air pollutants in emissions from a source or a specific design, equipment, or work practice standard, the purpose of which is to eliminate or reduce the volume or concentration of pollutants emitted by a source. The term emission standard does not include opacity standards. Violations of emission standards shall be determined in the manner prescribed by the applicable regulations issued by the Administrator or the Director or the Control Officer.
- 200.43 EMISSIONS UNIT** - Any part of a stationary source which emits or would have the potential to emit any regulated air pollutant.
- 200.44 EPA** - The United States Environmental Protection Agency.
- 200.45 EQUIVALENT METHOD** - Any method of sampling and analyzing for an air pollutant, which has been demonstrated to the Administrator's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.
- 200.46 EXCESS EMISSIONS** - Emissions of an air pollutant in excess of an emission standard, as measured by the compliance test method applicable to such emission standard.
- 200.47 EXISTING SOURCE** -
- a. A source in operation prior to the effective date of this rule, or a source on which the construction or modification has commenced and for which the Control Officer has granted a permit prior to the effective date of this rule; or
 - b. When used in conjunction with a source subject to new source performance standards (NSPS), any source which does not have an applicable NSPS under Rule 360-New Source Performance Standards of these rules.
- 200.48 FACILITY** - The definition of facility is included in Section 200.6-Definition of Affected Facility of this rule and in Section 200.26-Definition of Building, Structure, Facility or Installation of this rule.

- 200.49** **FEDERAL APPLICABLE REQUIREMENT** - Any of the following as they apply to emissions units covered by a Title V permit or a Non-Title V permit (including requirements that have been promulgated or approved by the EPA through rulemaking at the time of issuance but have future effective compliance dates):
- a. Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by the EPA through rulemaking under Title I-Air Pollution Prevention and Control of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in 40 CFR 52.
 - b. Any term or condition of any unitary permits issued under regulations approved or promulgated through rulemaking under Title I-Air Pollution Prevention and Control, including Parts C or D, of the Act.
 - c. Any standard or other requirement under Section 111-Standards of Performance for New Stationary Sources of the Act, includes Section 111(d).
 - d. Any standard or other requirement under Section 112-National Emission Standards for Hazardous Air Pollutants of the Act, including any requirement concerning accident prevention under Section 112(r)(7) of the Act.
 - e. Any standard or other requirement of the acid rain program under Title IV-Acid Deposition Control of the Act or the regulations promulgated thereunder and incorporated under Rule 371-Acid Rain of these rules.
 - f. Any requirements established under Section 504(b)-Permit Requirements and Conditions or Section 114(a)(3)-Inspections, Monitoring, and Entry of the Act.
 - g. Any standard or other requirement governing solid waste incineration under Section 129-Solid Waste Combustion of the Act.
 - h. Any standard or other requirement for consumer and commercial products pursuant to Section 183(e)-Federal Ozone Measures of the Act.
 - i. Any standard or other requirement for tank vessels pursuant to Section 183(f)-Federal Ozone Measures of the Act.
 - j. Any standard or other requirement of the program to control air pollution from outer continental shelf sources under Section 328-Air Pollution From Outer Continental Shelf Activities of the Act.
 - k. Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI-Stratospheric Ozone Protection of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit; and

- I. Any national ambient air quality standard or increment or visibility requirement under Part C-Prevention of Significant Deterioration of Air Quality of Title I-Air Pollution Prevention and Control of the Act, but only as it would apply to temporary sources permitted under Section 504(e)-Permit Requirements and Conditions of the Act.

200.50 FEDERAL LAND MANAGER - With respect to any lands in the United States, the Secretary of The Department with authority over such lands.

200.51 FEDERALLY ENFORCEABLE -

- a. All terms and conditions contained in a Title V permit, except those terms and conditions which have been specifically designated as not federally enforceable;
- b. The requirements of operating permit programs and permits issued under such permit programs which have been approved by the Administrator, including the requirements of State and County operating permit programs approved under Title V-Permits of the Act or under any new source review permit program;
- c. All limitations and conditions which are enforceable by the Administrator, including the requirements of the New Source Performance Standards (NSPS) and the National Emissions Standards for Hazardous Air Pollutants (NESHAPs) contained in these rules;
- d. The requirements of such other State or County rules or regulations approved by the Administrator for inclusion in the State Implementation Plan (SIP);
- e. The requirements of any federal regulation promulgated by the Administrator as part of the State Implementation Plan (SIP); and
- f. The requirements of State and County operating permit programs, other than Title V programs, which have been approved by the Administrator and incorporated into the applicable State Implementation Plan (SIP) under the criteria for federally enforceable State Operating Permit Programs set forth in 54, Federal Register 27274, dated June 28, 1989. Such requirements include permit terms and conditions which have been entered into voluntarily by a source under this rule and/or under Rule 220-Non-Title V Permit Provisions of these rules.

200.52 FINAL PERMIT - The version of a permit issued by the Control Officer after completion of all review required by Maricopa County Air Pollution Control Regulations.

200.53 FUEL OIL - Number 2 through Number 6 fuel oils as specified in ASTM D-396-90a-Specification for Fuel Oils, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ASTM D-2880-90a-Specification for Gas Turbine Fuel Oils, or diesel fuel oils Numbers 2-D and 4-D as specified in ASTM D-975-90a-Specification for Diesel Fuel Oils.

- 200.54 FUGITIVE EMISSION** - Any emission which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- 200.55 HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY (HAPRACT)** An emissions standard for hazardous air pollutants which the Control Officer, acting pursuant to §49-480.04(C), determines is reasonably available for a source. In making the foregoing determination, the Control Officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition, an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice, or operational standard.
- 200.56 INDIAN GOVERNING BODY** - The governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.
- 200.57 INDIAN RESERVATION** - Any federally recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.
- 200.58 INSIGNIFICANT ACTIVITY** – For the purpose of this rule, an insignificant activity shall be any activity, process, or emissions unit that is not subject to a source-specific applicable requirement, that emits no more than 0.5 ton per year of hazardous air pollutants (HAPs) and no more than two tons per year of a regulated air pollutant, and that is either included in Appendix D-List of Insignificant Activities of these rules or is approved as an insignificant activity under Rule 200-Permit Requirements of these rules. Source-specific applicable requirements include requirements for which emissions unit-specific information is needed to determine applicability.
- 200.59 MAJOR MODIFICATION** - Any physical change or change in the method of operation of a major source that would result in a significant net emissions increase of any regulated air pollutant.
- a.** Any net emissions increase that is significant for VOCs shall be considered significant for ozone.
 - b.** Any net emissions increase that is significant for oxides of nitrogen shall be considered significant for ozone nonattainment areas classified as marginal, moderate, serious, or severe.
 - c.** For the purposes of this definition, the following shall not be considered a physical change or a change in the method of operation:

- (1) Routine maintenance, repair, and replacement;
- (2) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974, 15 U.S.C. §792, or by reason of a natural gas curtailment plan under the Federal Power Act, 16 U.S.C. §792 - 825r;
- (3) Use of an alternative fuel by reason of an order or rule under Section 125-Measures to Prevent Economic Disruption or Unemployment of the Act;
- (4) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (5) Use of an alternative fuel or raw material by a stationary source that either:
 - (a) The source was capable of accommodating before December 12, 1976, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits for New Major Sources and Major Modifications to Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules; or
 - (b) The source is approved to use under any permit issued under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits for New Major Sources and Major Modifications to Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules;
- (6) An increase in the hours of operation or in the production rate, unless the change would be prohibited under any federally enforceable permit condition established after December 12, 1976, under 40 CFR 52.21, or under Rule 200-Permit Requirements, Rule 210-Title V Permit Provisions, Rule 240-Permits for New Major Sources and Major Modifications to Existing Major Sources, Rule 245-Continuous Source Emission Monitoring, and Rule 270-Performance Tests of these rules;
- (7) Any change in ownership at a stationary source;
- (8) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the Control Officer determines that the addition, replacement, or use renders the unit less environmentally beneficial, or except:

- (a) When the Control Officer has reason to believe that the pollution control project would result in a significant net increase in representative actual annual emissions of any criteria pollutant over levels used for that source in the most recent Title I air quality impact analysis in the area, if any, and
 - (b) The Control Officer determines that the increase will cause or contribute to a violation of any national ambient air quality standard, prevention of significant deterioration (PSD) increment, or visibility limitation;
- (9) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, if the project complies with:
 - (a) The State Implementation Plan (SIP); and
 - (b) Other requirements necessary to attain and maintain the national ambient air quality standards during the project and after it is terminated;
- (10) For electric utility steam generating units located in attainment and unclassified areas only, the installation or operation of a permanent clean coal technology demonstration project that constitutes repowering, if the project does not result in an increase in the potential to emit of any regulated pollutant emitted by the unit. This exemption shall apply on a pollutant-by-pollutant basis; and
- (11) For electric utility steam generating units located in attainment and unclassified areas only, the reactivation of a very clean coal-fired electric utility steam generating unit.

200.60 MAJOR SOURCE -

- a. A major source as defined in Rule 240-Permits for New Major Sources and Major Modifications to Existing Major Sources of these rules;
- b. A major source under Section 112-National Emission Standards for Hazardous Air Pollutants of the Act:
 - (1) For pollutants other than radionuclides, any stationary source that emits or has the potential to emit, in the aggregate, including fugitive emissions, 10 tons per year (tpy) or more of any hazardous air pollutant which has been listed under Section 112(b) of the Act, 25 tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as described in Title 18-Environmental Quality, Chapter 2-Department of Environmental Quality Air Pollution Control, Article 11-Federal Hazardous Air Pollutants of the Arizona Administrative Code. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any

pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

- (2) For radionuclides, major source shall have the meaning specified by the Administrator by rule.
- c. A major stationary source, as defined in Section 302-Definitions of the Act, that directly emits or has the potential to emit 100 tpy or more of any air pollutant, including any major source of fugitive emissions of any such pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purpose of Section 302(j) of the Act, unless the source belongs to one of the following categories of stationary source:
- Coal cleaning plants (with thermal dryers).
 - Kraft pulp mills.
 - Portland cement plants.
 - Primary zinc smelters.
 - Iron and steel mills.
 - Primary aluminum ore reduction plants.
 - Primary copper smelters.
 - Municipal incinerators capable of charging more than 50 tons of refuse per day.
 - Hydrofluoric, sulfuric, or nitric acid plants.
 - Petroleum refineries.
 - Lime plants.
 - Phosphate rock processing plants.
 - Coke oven batteries.
 - Sulfur recovery plants.
 - Carbon black plants (furnace process).
 - Primary lead smelters.
 - Fuel conversion plants.
 - Sintering plants.
 - Secondary metal production plants.
 - Chemical process plants.
 - Fossil-fuel boilers (or combination thereof) totaling more than 250 million BTU per hour heat input.
 - Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels.
 - Taconite ore processing plants.

Glass fiber processing plants.

Charcoal production plants.

Fossil fuel-fired steam electric plants of more than 250 million BTU per hour rated heat input.

Any other stationary source category which, as of August 7, 1980, is being regulated under Section 111-Standards of Performance for New Stationary Sources of the Act or under Section 112-National Emission Standards for Hazardous Air Pollutants of the Act.

200.61 MAJOR SOURCE THRESHOLD – The lowest applicable emissions rate for a pollutant that would cause the source to be a major source, at the particular time and location, under Section 200.60-Definition of Major Source of this rule.

200.62 MALFUNCTION - Any sudden and unavoidable failure of air pollution control equipment, process, or process equipment to operate in a normal and usual manner. Failures that are caused by poor maintenance, careless operation, or any other upset condition or equipment breakdown which could have been prevented by the exercise of reasonable care shall not be considered malfunctions.

200.63 MATERIAL PERMIT CONDITION -

- a. For the purposes of ARS §49-464(G) and ARS §49-514(G), a material permit condition shall mean a condition which satisfies all of the following:
 - (1) The condition is in a permit or permit revision issued by the Control Officer or by the Director after the effective date of this rule.
 - (2) The condition is identified within the permit as a material permit condition.
 - (3) The condition is one of the following:
 - (a) An enforceable emission standard imposed to avoid classification as a major modification or major source or to avoid triggering any other applicable requirement.
 - (b) A requirement to install, operate, or maintain a maximum achievable control technology or hazardous air pollutant reasonably available control technology required under Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
 - (c) A requirement for the installation or certification of a monitoring device.
 - (d) A requirement for the installation of air pollution control equipment.
 - (e) A requirement for the operation of air pollution control equipment.

- (f) An opacity standard required by Section 111-Standards of Performance for New Stationary Sources of the Act or Title I-Air Pollution Prevention and Control, Part C or D, of the Act.
 - (4) Violation of the condition is not covered by Subsections (A) through (F) or (H) through (J) of ARS §49-464 or Subsections (A) through (F) or (H) through (J) of ARS §49-514.
 - b. For the purposes of Sections 200.63(a)(3)(c), (d), and (e) of this rule, a permit condition shall not be material where the failure to comply resulted from circumstances which were outside the control of the source.
- 200.64 METHOD OF OPERATION** - The definition of method of operation is included in Section 200.72-Definition of Operation of this rule.
- 200.65 MODIFICATION** - A physical change in or a change in the method of operation of a source which increases the actual emissions of any regulated air pollutant emitted by such source by more than any relevant de minimis amount, or which results in the emission of any regulated air pollutant not previously emitted by more than such de minimis amount.
- 200.66 NET EMISSIONS INCREASE** -
 - a. The amount by which the sum of Section 200.66(a)(1) and Section 200.66(a)(2) below exceed zero:
 - (1) Any increase in actual emissions from a particular physical change or change in the method of operation at a stationary source; and
 - (2) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
 - b. An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between:
 - (1) The date five years before construction on the particular change commences; and
 - (2) The date that the increase from the particular change occurs.
 - c. An increase or decrease in actual emissions is creditable only if the Control Officer has not relied on it in issuing a permit, which is in effect when the increase in actual emissions from the particular change occurs. In addition, in nonattainment areas, a decrease in actual emissions shall be considered in determining net emissions increase due to modifications only if the State has not relied on it in demonstrating attainment or reasonable further progress.

- d. An increase or decrease in actual emissions of sulfur dioxide, nitrogen oxides, or particulate matter which occurs before the applicable baseline date, as described in Rule 500-Attainment Area Classification of these rules, is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available.
- e. An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- f. A decrease in actual emissions is creditable only to the extent that:
 - (1) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (2) The emissions unit was actually operated and emitted the specific pollutant;
 - (3) It is federally enforceable at and after the time that actual construction on the particular change begins; and
 - (4) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- g. An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed 180 days.

200.67 **NEW SOURCE** - Any source that is not an existing source.

200.68 **NITROGEN OXIDES (NO_x)** - All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in the Appendices to 40 CFR 60.

200.69 **NONATTAINMENT AREA** - An area so designated by the Administrator, acting under Section 107-Air Quality Control Regions of the Act, as exceeding national primary or secondary ambient air standards for a particular pollutant or pollutants.

200.70 **NON-PRECURSOR ORGANIC COMPOUND** -

- a. Any of the following organic compounds that have been designated by the EPA as having negligible photo-chemical reactivity:
 - 67-64-1 Acetone;
 - 74-82-8 Methane;
 - 74-84-0 Ethane;
 - 75-09-2 Methylene chloride (dichloromethane);
 - 71-55-6 1,1,1-trichloroethane (methyl chloroform);

75-69-4	Trichlorofluoromethane (CFC-11);
75-71-8	Dichlorodifluoromethane (CFC-12);
75-45-6	Chlorodifluoromethane (HCFC-22);
76-13-	1,1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113);
6-14-2	1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114);
6-15-3	Chloropentafluoroethane (CFC-115);
5-46-7	Trifluoromethane (HFC-23);
06-83-2	1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
837-89-0	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124);
717-00-6	1,1-dichloro-1-fluoroethane (HCFC-141b);
5-68-3	1-chloro-1,1-difluoroethane (HCFC-142b);
34-33-6	Pentafluoroethane (HFC-125);
354-25-6	1,1,2,2-tetrafluoroethane (HFC-134);
811-97-2	1,1,1,2-tetrafluoroethane (HFC-134a);
420-46-2	1,1,1-trifluoroethane (HFC-143a);
75-37-6	1,1-difluoroethane (HFC-152a);
98-56-6	Parachlorobenzotrifluoride (PCBTF);
127-18-4	Perchloroethylene (tetrachloroethylene);
422-56-0	3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca);
507-55-1	1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
	1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
75-10-5	Difluoromethane (HFC-32);
353-36-6	Ethylfluoride (HFC-161);
690-39-1	1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
678-86-7	1,1,2,2,3-pentafluoropropane (HFC-245ca);
460-73-1	1,1,2,3,3-pentafluoropropane (HFC-245ea);
431-31-2	1,1,1,2,3-pentafluoropropane (HFC-245eb);
	1,1,1,3,3-pentafluoropropane (HFC-245fa);
431-63-0	1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
	1,1,1,3,3-pentafluorobutane (HFC-365mfc);
593-70-4	Chlorofluoromethane (HCFC-31);
1615-75-4	1-chloro-1-fluoroethane (HCFC-151a);
354-23-4	1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
163702-07-6	1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C ₄ F ₉ OCH ₃) (HFE-7100);
	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OCH ₃);

163702-05-41	-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C ₄ F ₉ OC ₂ H ₅) (HFE-7200); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF ₃) ₂ CFCF ₂ OC ₂ H ₅);
79-20-9	methyl acetate; cyclic, branched, or linear completely methylated siloxanes;
375-03-1	1,1,1,2,2,3,3-heptafluoro-3-methoxy-propan (n-C ₃ F ₇ OCH ₃ , HFE-7000);
431-89-0	1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea);
107-31-3	methyl formate (HCOOCH ₃); and perfluorocarbon compounds that fall into these classes: Cyclic, branched, or linear, completely fluorinated alkanes; Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

- b. The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements, which apply to VOC and shall be uniquely identified in emission reports but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (540-88-5).

- 200.71 OPEN OUTDOOR FIRE** - Any combustion of material of any type outdoors, where the products of combustion are not directed through a flu.
- 200.72 OPERATION** - Any physical action resulting in a change in the location, form, or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.
- 200.73 ORGANIC COMPOUND** - Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.
- 200.74 ORGANIC LIQUID** - Any organic compound which exists as a liquid under any actual conditions of use, transport, or storage.
- 200.75 OWNER AND/OR OPERATOR** - Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

- 200.76** **PARTICULATE MATTER** - Any material, except condensed water containing no more than analytical trace amounts of other chemical elements or compounds, which has a nominal aerodynamic diameter smaller than 100 microns (micrometers) and which exists in a finely divided form as a liquid or solid at actual conditions.
- 200.77** **PERMITTING AUTHORITY** - The department or a County department or agency that is charged with enforcing a permit program adopted under ARS §49-480, Subsection A.
- 200.78** **PERSON** - Any individual, public or private corporation, company, partnership, firm, association or society of persons, the Federal Government and any of its departments or agencies, or the State and any of its agencies, departments or political subdivisions.
- 200.79** **PHYSICAL CHANGE** - Any replacement, addition, or alteration of equipment that is not already allowed under the terms of the source's permit.
- 200.80** **PM_{2.5}** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- 200.81** **PM₁₀** - Particulate matter with an aerodynamic diameter less than or equal to a nominal 10 microns (micrometers), as measured by the applicable State and Federal Reference Test Methods.
- 200.82** **POLLUTANT** – An air contaminant the emissions or ambient concentration of which is regulated under these rules.
- 200.83** **POLLUTION CONTROL PROJECT** - Any activity or project undertaken at an existing electric utility steam generating unit to reduce emissions from the unit. The activities or projects are limited to:
- a.** The installation of conventional or innovative pollution control technology, including but not limited to advanced flue gas desulfurization, sorbent injection for sulfur dioxide and nitrogen oxides controls, and electrostatic precipitators;
 - b.** An activity or project to accommodate switching to a fuel less polluting than the fuel used before the activity or project, including but not limited to natural gas or coal reburning, or the co-firing of natural gas and other fuels for the purpose of controlling emissions;
 - c.** A permanent clean coal technology demonstration project, conducted under Title II, Section 101(d) of the Further Continuing Appropriation Act of 1985 (42 U.S.C. 5903(d)) or subsequent appropriations up to a total amount of \$2,500,000,000 for commercial

demonstration of clean coal technology, or similar projects funded through appropriations for the EPA; or

- d. A permanent clean coal technology demonstration project that constitutes a repowering project.

200.84 PORTABLE SOURCE – Any stationary source that is capable of being transported and operated in more than one county of this state.

200.85 POTENTIAL TO EMIT - The maximum capacity of a stationary source to emit pollutants, excluding secondary emissions, under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design, if the limitation or the effect it would have on emissions is federally enforceable.

200.86 PROPOSED PERMIT - The version of a permit for which the Control Officer offers public participation under Rule 210-Title V Permit Provisions of these rules or offers affected State review under Rule 210-Title V Permit Provisions of these rules.

200.87 PROPOSED FINAL PERMIT - The version of a Title V permit that the Control Officer proposes to issue and forwards to the Administrator for review, in compliance with Rule 210-Title V Permit Provisions of these rules.

200.88 QUANTIFIABLE - With respect to emissions, including the emissions involved in equivalent emission limits and emission trades, capable of being measured or otherwise determined in terms of quantity and assessed in terms of character. Quantification may be based on emission factors, stack tests, monitored values, operating rates and averaging times, materials used in a process or production, modeling, or other reasonable measurement practices.

200.89 REACTIVATION OF A VERY CLEAN COAL-FIRED ELECTRIC UTILITY STEAM GENERATING UNIT - Any physical change or change in the method of operation, associated with commencing commercial operations by a coal-fired utility unit after a period of discontinued operation, if the unit:

- a. Has not been in operation for the 2-year period before enactment of the Clean Air Act Amendments of 1990 and the emissions from the unit continue to be carried in the Maricopa County emissions inventory at the time of enactment;

- b. Was equipped before shutdown with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85% and a removal efficiency for particulates of no less than 98%;
- c. Is equipped with low nitrogen oxides (NO_x) burners before commencement of operations following reactivation; and
- d. Is otherwise in compliance with the Act.

200.90 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - For facilities subject to Regulation III-Control of Air Contaminants of these rules, the emissions limitation of the existing source performance standard. For facilities not subject to Regulation III-Control of Air Contaminants of these rules, the lowest emission limitation that a particular source is capable of achieving by the application of control technology that is reasonably available considering technological and economic feasibility. Such technology may previously have been applied to a similar, but not necessarily identical, source category. RACT for a particular facility, other than a facility subject to Regulation III-Control of Air Contaminants of these rules, is determined on a case-by-case basis, considering the technological feasibility and cost-effectiveness of the application of the control technology to the source category.

200.91 REFERENCE METHOD - Any of the methods of sampling and analyzing for an air pollutant as described in the Arizona Testing Manual for Air Pollutant Emissions; 40 CFR 50, Appendices A through L; 40 CFR 52, Appendices D and E; 40 CFR 60, Appendices A through F; and 40 CFR 61, Appendices B and C.

200.92 REGULATED AIR POLLUTANT - Any of the following:

- a. Any conventional air pollutant as defined in ARS §49-401.01, which means any pollutant for which the Administrator has promulgated a primary or a secondary national ambient air quality standard (NAAQS) (i.e., for carbon monoxide (CO), nitrogen oxides (NO_x), lead, sulfur oxides (SO_x) measured as sulfur dioxides (SO₂), ozone, and particulates).
- b. Nitrogen oxides (NO_x) and volatile organic compounds (VOCs).
- c. Any air contaminant that is subject to a standard contained in Rule 360-New Source Performance Standards of these rules or promulgated under Section 111-Standards of Performance for New Stationary Sources of the Act.
- d. Any hazardous air pollutant (HAP) as defined in Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.
- e. Any Class I or II substance listed in Section 602-Stratospheric Ozone Protection; Listing of Class I and Class II Substances of the Act.

- 200.93 REGULATORY REQUIREMENTS** - All applicable requirements, Department rules, and all State requirements pertaining to the regulation of air contaminants.
- 200.94 REPLICABLE** - With respect to methods or procedures sufficiently unambiguous such that the same or equivalent results would be obtained by the application of the method or procedure by different users.
- 200.95 REPOWERING** - The Control Officer shall give expedited consideration to permit applications for any source that satisfies the following criteria and that is granted an extension under Section 409-Repowered Sources of the Act:
- a.** Repowering means replacing an existing coal-fired boiler with one of the following clean coal technologies:
 - (1) Atmospheric or pressurized fluidized bed combustion;
 - (2) Integrated gasification combined cycle;
 - (3) Magnetohydrodynamics;
 - (4) Direct and indirect coal-fired turbines;
 - (5) Integrated gasification fuel cells; or
 - (6) As determined by the Administrator, in consultation with the United States Secretary of Energy, a derivative of one or more of the above listed technologies; and
 - (7) Any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.
 - b.** Repowering also includes any oil, gas, or oil and gas-fired units which have been awarded clean coal technology demonstration funding as of January 1, 1991 by the United States Department of Energy.
- 200.96 REPRESENTATIVE ACTUAL ANNUAL EMISSIONS** - The average rate, in tons per year, at which the source is projected to emit a pollutant for the 2-year period after a physical change or change in the method of operation of a unit (or a different consecutive 2-year within 10 years after that change, if the Control Officer determines that the different period is more representative of source operations), considering the effect the change will have on increasing or decreasing the hourly emission rate and on projected capacity utilization. In projecting future emissions, the Control Officer shall:

- a. Consider all relevant information, including but not limited to historical operational data, the company's representations, filings with the Maricopa County, State or Federal regulatory authorities, and compliance plans under Title IV-Acid Deposition Control of the Act; and
- b. Exclude, in calculating any increase in emissions that result from the particular physical change or change in the method of operation at an electric utility steam generating unit, that portion of the unit's emissions, following the change, that could have been accommodated during the representative baseline period and that is attributable to an increase in projected capacity utilization at the unit unrelated to the particular change, including any increased utilization due to the rate of electricity demand growth for the utility system as a whole.

200.97 RESPONSIBLE OFFICIAL - One of the following:

- a. For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either;
 - (1) The sources employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - (2) The delegation of authority to such representatives is approved in advance by the permitting authority;
- b. For a partnership or sole proprietorship: A general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public agency: Either a principal executive officer or ranking elected official. For the purposes of this rule, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator); or
- d. For affected sources:
 - (1) The designated representative insofar as actions, standards, requirements, or prohibitions under Title IV-Acid Deposition Control of the Act or the regulations promulgated thereunder are concerned; and
 - (2) The designated representative for any other purposes under 40 CFR, Part 70.

200.98 SCHEDULED MAINTENANCE - Preventive maintenance undertaken in order to avoid a potential breakdown or upset of air pollution control equipment.

200.99 SIGNIFICANT -

- a. In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any one of the following rates:

<u>Pollutant</u>	<u>Emissions Rate (TPY)</u>
Carbon Monoxide	100
Nitrogen Oxides	40
Sulfur Dioxide	40
Particulate Matter	25
PM ₁₀	15
VOC	40
Lead	0.6
Fluorides	3
Sulfuric Acid Mist	7
Hydrogen Sulfide (H ₂ S)	10
Total Reduced Sulfur (including hydrogen sulfide)	10
Reduced Sulfur Compounds (including hydrogen sulfide)	10
Municipal waste combustor organics (measured as total tetra-through- octa-chlorinated: dibenzo-p-dioxins and dibenzofurans)	3.5 x 10 ⁻⁶
Municipal waste combustor metals (measured as particulate matter)	15
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	40
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	50

- b. In ozone nonattainment areas classified as serious or severe, significant emissions of VOC shall be determined under Rule 240-Permit Requirements For New Major Sources and Major Modifications to Existing Major Sources of these rules.

- c. In reference to a regulated air pollutant that is not listed in Section 200.99(a) of this rule, is not a Class I nor a Class II substance listed in Section 602-Listing of Class I and Class II Substances of the Act and is not a hazardous air pollutant according to Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules, any emissions rate.
- d. Notwithstanding the emission amount listed in Section 200.99(a) of this rule, any emissions rate or any net emissions increase associated with a major source or major modification, which would be constructed within 10 kilometers (6.2 miles) of a Class I area and which would have an impact on the ambient air quality of such area equal to or greater than 1 microgram/cubic meter (mg/m³) (24-hour average).

- 200.100 SOLVENT-BORNE COATING MATERIAL** - Any liquid coating-material in which the solvent is primarily or solely a VOC. For the purposes of this definition, “primarily” means that of the total solvent mass that evaporates from the coating, the VOC portion weighs more than the non-VOC portion.
- 200.101 SOURCE** - Any building, structure, facility, or installation that may cause or contribute to air pollution.
- 200.102 SPECIAL INSPECTION WARRANT** - An order, in writing, issued in the name of the State of Arizona, signed by a magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.
- 200.103 STANDARD CONDITIONS** - A temperature of 293K (68 degrees Fahrenheit or 20 degrees Celsius) and a pressure of 101.3 kilopascals (29.92 in.Hg or 1013.25 mb). When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.
- 200.104 STATE IMPLEMENTATION PLAN (SIP)** - The plan adopted by the State of Arizona which provides for implementation, maintenance, and enforcement of such primary and secondary ambient air quality standards as are adopted by the Administrator under the Act.
- 200.105 STATIONARY SOURCE** - Any source that operates at a fixed location and that emits or generates regulated air pollutants.
- 200.106 SYNTHETIC MINOR** - Any source whose maximum capacity to emit a pollutant under its physical and operational design would exceed the major source threshold levels but is restricted by an enforceable emissions limitation that prevents such source from exceeding major source threshold levels.

- 200.107** **TEMPORARY CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT** - A clean coal technology demonstration project operated for five years or less and that complies with the SIP and other requirements necessary to attain and maintain the national ambient air quality standards during the project and after the project is terminated.
- 200.108** **TITLE V** - Title V of the Federal Clean Air Act as amended in 1990 and the 40 CFR Part 70 EPA regulations adopted to implement the Act.
- 200.109** **TOTAL REDUCED SULFUR (TRS)** - The sum of the sulfur compounds, primarily hydrogen sulfide, methyl mercaptan, dimethyl sulfide, and dimethyl disulfide, that are released during kraft pulping and other operations and measured by Method 16 in 40 CFR 60, Appendix A.
- 200.110** **TRADE SECRETS** - Information to which all of the following apply:
- a. A person has taken reasonable measures to protect from disclosure and the person intends to continue to take such measures.
 - b. The information is not, and has not been, reasonably obtainable without the person's consent by other persons, other than governmental bodies, by use of legitimate means, other than discovery based on a showing of special need in a judicial or quasi-judicial proceeding.
 - c. No statute, including ARS §49-487, specifically requires disclosure of the information to the public.
 - d. The person has satisfactorily shown that disclosure of the information is likely to cause substantial harm to the business's competitive position.
- 200.111** **TRIVIAL ACTIVITY** – For the purpose of this rule, a trivial activity shall be any activity, process, or emissions unit that, in addition to meeting the criteria for insignificant activity, has extremely low emissions. No activity, process, or emissions unit that is conducted as part of a manufacturing process or is related to the source's primary business activity shall be considered trivial. Trivial activities are listed in Appendix E of these rules and may be omitted from Title V permit applications and from Non-Title V permit applications.
- 200.112** **UNCLASSIFIED AREA** - An area which the Administrator, because of lack of adequate data, is unable to classify as an attainment or nonattainment area for a specific pollutant. For purposes of these rules, unclassified areas are to be treated as attainment areas.
- 200.113** **VOLATILE ORGANIC COMPOUND (VOC)** - Any organic compound which participates in atmospheric photochemical reactions, except the non-precursor organic compounds.

SECTION 300 - STANDARDS

- 301 AIR POLLUTION PROHIBITED:** No person shall discharge from any source whatever into the atmosphere regulated air pollutants which exceed in quantity or concentration that specified and allowed in these rules, the Arizona Administrative Code or ARS, or which cause damage to property, or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the Director.
- 302 APPLICABILITY OF MULTIPLE RULES:** Whenever more than one standard in this rule applies to any source or whenever a standard in this rule and a standard in the Maricopa County Air Pollution Control Regulations Regulation III-Control of Air Contaminants applies to any source, the rule or combination of rules resulting in the lowest rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated.

SECTION 400 - ADMINISTRATIVE REQUIREMENTS

- 401 CERTIFICATION OF TRUTH, ACCURACY, AND COMPLETENESS:** Any application form or report submitted under these rules shall contain certification by a responsible official of truth, accuracy, and completeness of the application form or report as of the time of submittal. This certification and any other certification required under these rules shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 402 CONFIDENTIALITY OF INFORMATION:**
- 402.1** The Control Officer shall make all permits, including all elements required to be in the permit under Rule 210-Title V Permit Provisions of these rules and Rule 220-Non-Title V Permit Provisions of these rules, available to the public.
- 402.2** Any records, reports, or information obtained from any person under these rules shall be available to the public, unless the Control Officer has notified the person in writing as specified in Section 402.3 of this rule and unless a person:
- a.** Precisely identifies the information in the permit(s), records, or reports, which is considered confidential.
 - b.** Provides sufficient supporting information to allow the Control Officer to evaluate whether such information satisfies the requirements related to trade secrets as defined in Section 200.110 of this rule.
- 402.3** Within 30 days of receipt of a notice of confidentiality that complies with Section 402.2 of this rule, the Control Officer shall make a determination as to whether the information satisfies the requirements for trade secrets as described in Section 200.110 of this rule and so notify the

applicant in writing. If the Control Officer agrees with the applicant that the information covered by the notice of confidentiality satisfies the statutory requirements, the Control Officer shall include a notice in the administrative record of the permit application that certain information has been considered confidential.

402.4 A claim of confidentiality shall not excuse a person from providing any and all information required or requested by the Control Officer.

402.5 A claim of confidentiality shall not be a defense for failure to provide such information.

SECTION 500 - MONITORING AND RECORDS

501 REPORTING REQUIREMENTS: The owner and/or operator of any air pollution source shall maintain records of all emissions testing and monitoring, records detailing all malfunctions which may cause any applicable emission limitation to be exceeded, records detailing the implementation of approved control plans and compliance schedules, records required as a condition of any permit, records of materials used or produced, and any other records relating to the emission of air contaminants which may be requested by the Control Officer.

502 DATA REPORTING: When requested by the Control Officer, a person shall furnish to the Department information to locate and classify air contaminant sources according to type, level, duration, frequency, and other characteristics of emissions and such other information as may be necessary. This information shall be sufficient to evaluate the effect on air quality and compliance with these rules. The owner and/or operator of a source requested to submit information under Section 501 of this rule may subsequently be required to submit annually, or at such intervals specified by the Control Officer, reports detailing any changes in the nature of the source since the previous report and the total annual quantities of materials used or air contaminants emitted.

503 EMISSION STATEMENTS REQUIRED AS STATED IN THE ACT: Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of any source which emits or may emit oxides of nitrogen (NO_x) or volatile organic compounds (VOC) shall provide the Control Officer with an emission statement, in such form as the Control Officer prescribes, showing measured actual emissions or estimated actual emissions of NO_x and VOC from that source. At a minimum, the emission statement shall contain all information required by the Consolidated Emissions Reporting Rule in 40 CFR 51, Subpart A, Appendix A, Table 2A, which is incorporated by reference in Appendix G of these rules. The statement shall contain emissions for the time period specified by the Control Officer. The statement shall also contain a certification by a responsible official of the company that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement. Statements shall be submitted annually to the Department. The Control Officer may waive this requirement for the owner and/or operator of

any source which emits less than 25 tons per year of oxides of nitrogen or volatile organic compounds with an approved emission inventory for sources based on AP-42 or other methodologies approved by the Administrator.

- 504 RETENTION OF RECORDS:** Information and records required by applicable requirements and copies of summarizing reports recorded by the owner and/or operator and submitted to the Control Officer shall be retained by the owner and/or operator for five years after the date on which the information is recorded or the report is submitted. Non-Title V sources may retain such information, records, and reports for less than five years, if otherwise allowed by these rules.

505 ANNUAL EMISSIONS INVENTORY REPORT:

- 505.1** Upon request of the Control Officer and as directed by the Control Officer, the owner and/or operator of a business shall complete and shall submit to the Control Officer an annual emissions inventory report. The report is due by April 30, or 90 days after the Control Officer makes the inventory form(s) available, whichever occurs later. These requirements apply whether or not a permit has been issued and whether or not a permit application has been filed.
- 505.2** The annual emissions inventory report shall be in the format provided by the Control Officer.
- 505.3** The Control Officer may require submittal of supplemental emissions inventory information forms for air contaminants under ARS §49-476.01, ARS §49-480.03, and Rule 372-Maricopa County Hazardous Air Pollutants (HAPs) Program of these rules.